

Control Number: 45870



Item Number: 48

Addendum StartPage: 0

SOAH DOCKET NO. 473-16-4619.WS
PUC DOCKET NO. 45870

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COMPLAINT OF KER-SEVA LTD.
AGAINST THE CITY OF FRISCO

§
§

BEFORE THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS

FILED CLERK

**CITY OF FRISCO'S 1ST SUPPLEMENTAL RESPONSES TO KER-SEVA, LTD., ADC
WEST RIDGE, L.P., AND CENTER FOR HOUSING RESOURCES, INC.'S SECOND SET
OF REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

COMES NOW the City of Frisco ("City" or "Frisco") and files these First Supplemental Responses to the First Set of Requests for Information ("RFI") and Requests for Admission ("RFA") of Ker-Seva Ltd., ADC West Ridge, LP and Center for Housing Resources, Inc. ("Complainants") served on August 18, 2016.

Respectfully submitted,

Russell & Rodriguez, L.L.P.

1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

Abernathy Roeder Boyd & Hullett, P.C.

Richard Abernathy
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1700 Redbud Blvd., Suite 300
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(214) 544-4000
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/s/ Arturo D. Rodriguez, Jr.

ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

ATTORNEYS FOR THE CITY OF FRISCO

48

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Request for Information No. 23: Please produce all ordinances, tariffs, schedules of rates, and/or service policies and regulations which Frisco contends apply to extensions of water and/or sewer service within Frisco's water CCN No. 11772 and sewer CCN No. 20591, outside of Frisco's corporate limits and within Frisco's extraterritorial jurisdiction.

RESPONSE: See documents contained on the attached disk.

Prepared/sponsored by: To be supplemented

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Request for Information No. 31: Please identify the rates or fees, if any, Frisco contends must be paid in order for Ker-Seva, Ltd. to become a qualified service applicant for retail water and/or sewer service.

Response: Frisco does not contend that solely the payment rates or fees could make an entity a qualified service applicant. However, see documents produced in response to RFI No. 23. (Original response referred to an erroneous RFI.)

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Request for Information No. 32: Please identify the rates or fees, if any, Frisco contends must be paid in order for ADC West Ridge, L.P. to become a qualified service applicant for retail water and/or sewer service.

Response: Frisco does not contend that solely the payment rates or fees could make an entity a qualified service applicant. However, see documents produced in response to RFI No. 23. (Original response referred to an erroneous RFI.)

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Request for Information No. 33: Please identify the rates or fees, if any, Frisco contends must be paid in order for Center for Housing Resources, Inc. to become a qualified service applicant for retail water and/or sewer service.

Response: Frisco does not contend that solely the payment rates or fees could make an entity a qualified service applicant. However, see documents produced in response to RFI No. 23. (Original response referred to an erroneous RFI.)

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Request for Information No. 40: Please produce all documents regarding the City of McKinney's willingness, or lack thereof, to provide water and/or sewer service to Lot 2.

RESPONSE: See documents produced in response to RFI No. 1.

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Request for Information No. 41: Please produce all minutes of any meeting of the City Council of Frisco or any committee of Frisco regarding the Property, including Lot 1 and Lot 2.

RESPONSE: See documents contained on the attached disk. In addition, see documents previously produced in response to RFI No. 13.

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Request for Information No. 42: Please produce all documents relating to any request for a water meter by ADC West Ridge, L.P., Center for Housing Resources, Inc., KWA Construction, or Weir Brothers Contracting, LLC, for construction on Lot 2 since June 1, 2016.

RESPONSE: See documents contained on the attached disk. In addition, see documents previously produced in response to RFI No. 1.

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Request for Information No. 43: Please produce all documents relating to Frisco's confiscation of any water meters from ADC West Ridge, L.P., Center for Housing Resources, Inc., KWA Construction, or Weir Brothers Contracting, LLC, for construction on Lot 2 since June 1, 2016.

RESPONSE: See documents produced in response to RFI No. 1.

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Request for Information No. 44: Please produce all communications between Frisco and the City of McKinney, Texas, regarding the provision of water service for construction on Lot 2 since June 1, 2016.

RESPONSE: See documents produced in response to RFI No. 1.

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Request for Information No. 45: Please produce all documents regarding the provision of water service for construction outside of Frisco's corporate boundaries but within Frisco's water CCN No. 11772 since January 1, 2015.

RESPONSE: See documents produced in response to RFI No. 1.

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Request for Information No. 46: Please produce all documents evidencing any communications between Frisco’s employees, officers, agents, or representatives regarding the decision to confiscate any water meters from ADC West Ridge, L.P., Center for Housing Resources, Inc., KWA Construction, or Weir Brothers Contracting, LLC, for construction on Lot 2 since June 1, 2016.

RESPONSE: See documents produced in response to RFI No. 1.

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Request for Information No. 47: Please produce all documents, including maps, identifying the nearest fire hydrant owned by Frisco from which water service for construction could be obtained for Lot 2.

RESPONSE: By agreement, a map is being provided as sufficient to satisfy this request. See map provided on the attached disk.

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Request for Information No. 48: Please produce all documents relating to any requests for water service for construction within 2 miles of Lot 2 and within Frisco's water CCN No. 20591 since January 1, 2015.

RESPONSE: See documents produced in response to RFI No. 1.

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Request for Information No. 50: Please produce all documents relating to any approval by the Public Utility Commission of Texas or its predecessor agencies relating to the provision of water and/or sewer service by the City of McKinney within Frisco's water CCN No. 11772 or sewer CCN No. 20591 within a 2 mile radius of Lot 2.

RESPONSE: See documents contained on the attached disk.

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Request for Information No. 51: Please produce all documents relating to any agreement currently in effect between Frisco and any other person or entity which relates to the provision of water supply or water treatment by another person or entity to Frisco.

Response: See documents contained on the attached disk.

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Request for Information No. 52: Please produce all documents relating to any agreement currently in effect between Frisco and any other person or entity which relates to the provision of sewer treatment capacity by another person or entity to Frisco.

Response: See documents contained on the attached disk.

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Request for Information No. 53: Please produce all documents relating to any agreement currently in effect between Frisco and any other person or entity which relates to the provision or supply of raw water, treated water, or water treatment capacity by that other person or entity to Frisco.

Response: See documents produced in response to RFI No. 51.

Prepared/sponsored by: To be supplemented

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Request for Information No. 54: Please produce Frisco's current Capital Improvements Plan.

Response: The document is equally available for download at the following website:

<http://www.ci.frisco.tx.us/DocumentCenter/View/5639>

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Request for Information No. 55: Please produce Frisco's current Comprehensive Plan.

Response: The document is equally available for download at the following website:

<http://tx-frisco.civicplus.com/1064/Comprehensive-Plan>

Prepared/sponsored by: To be supplemented

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September, 2016, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

Mr. Sam Chang
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas
(512) 936-7261
(512) 936-7268 Fax

Mr. Leonard Dougal
Jackson Walker, LLP
100 Congress Avenue, Suite 1100
Austin, Texas 78701
(512) 236-2000
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/s/ Arturo D. Rodriguez, Jr.

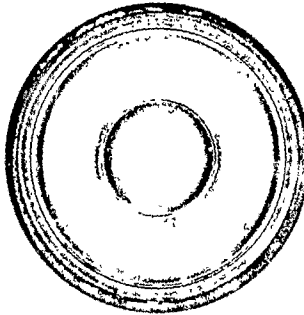
ARTURO D. RODRIGUEZ, JR.

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